

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-15 are now present in the application. Claim 1 has been amended. Claims 13-15 have been added. Claims 1 and 13-15 are independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 4-12 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

By the present amendment, allowable claims 4, 8 and 11 have been rewritten in independent form to include their base claim 1 and the intervening claim 3 (for claims 4 and 8 only) as new independent claims 13-15, as described hereinbelow.

Priority Under 35 U.S.C. §119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on July 28, 2005, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Applicants have also submitted the references supplied with the Information Disclosure Statement filed on November 7, 2005 for consideration by the Examiner after the instant Office Action was issued. The Examiner is courteously requested to provide Applicants with an initialed copy of the PTO-1449 form filed therewith with the next official communication.

Drawings

Applicants thank the Examiner for accepting the formal drawings of the instant application.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yang, KR 10-2003-0049329. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claim 1 has been to recite a combination of elements including "an air conditioner installed at a ceiling of a room, the air conditioner including ...at least one air outlet for discharging air heat exchanged at the indoor heat exchanger", "a first air passage spaced from the air conditioner for guiding air outside the room to the room" and "a second air passage spaced from the air conditioner for guiding air in the room to be outside the room". Support for

the above combination of elements can be found in FIGs. 1, 5 and 6 as originally filed. Applicants respectfully submit that the combination of elements set forth in amended claim 1 is not disclosed or suggested by the reference relied on by the Examiner.

Applicants respectfully submit that Yang is not a qualified 102(b) reference against the present invention. In particular, Yang is published by the Korean Intellectual Property Office on June 25, 2003. However, the instant application was filed on March 25, 2004, which is within one year of the publication data of Yang. At least for this reason, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

In addition, Yang also fails to teach each and every recitation of amended independent claim 1. In particular, Yang discloses a ceiling embedded type air conditioner with intake and discharge ports 17 and 18 (see FIGs. 2 and 3). Although the Examiner alleged that the air is inherently discharged into an outdoor room environment, Applicants respectfully disagree. As shown in FIGs. 2 and 3, the air is sucked from the space the air conditioner serves into the air conditioner via the intake port 17, heat-exchanged by the heat-exchanger 15, and then back into the space the air conditioner serves via the discharge port 18. In other words, the air exiting from the discharge port 18 flows back to the space the air conditioner serves in order to provide the cooling effect. Yang nowhere discloses any other air passages spaced from the air conditioner to guide air outside the room to the room or to guide air in the room to be outside the room. Therefore, Yang fails to teach “a first air passage spaced from the air conditioner for guiding air outside the room to the room” and “a second air passage spaced from the air conditioner for guiding air in the room to be outside the room” as recited in amended claim 1.

Since Yang fails to teach each and every recitation of amended independent claim 1, Applicants respectfully submit that amended independent claim 1 is not anticipated by Yang.

In addition, claims 2-12 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their respective dependence from independent claim 1, which is believed to be allowable.

In view of the above amendments to the claims and remarks, Applicants respectfully submit that claims 1-12 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Additional Claims

Additional claims 13-15 have been added for the Examiner's consideration.

As mentioned, allowable claims 4, 8 and 11 have been rewritten in independent form to include their base claim 1 and the intervening claim 3 (for claims 4 and 8 only) as new independent claims 13-15, which were indicated by the Examiner as including allowable subject matter. Accordingly, it is believed that new independent claims 13-15 are in condition for allowance.

Favorable consideration and allowance of additional claims 13-15 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By


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